

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WILLIAM HARRIS,)	
)	
Plaintiff,)	
)	2:20-CV-00008-DSC
vs.)	
)	DISTRICT JUDGE DAVID S. CERCONE
MCCLENAHAN, SERGEANT; HINSON,)	
CORRECTIONS OFFICER; MARK)	MAGISTRATE JUDGE LISA P. LENIHAN
CAPOZZA, SUPERINTENDENT; JOSEPH)	
TREMPUS, MAJOR; FRANK SALVAY,)	
SECURITY CAPTAIN; AND S. HENRY,)	
LIEUTENANT,)	
)	ECF NO. 31
Defendants.)	
)	
)	
)	
)	
)	

MEMORANDUM ORDER

Plaintiff initiated this *pro se* civil rights action on January 3, 2020, and the Complaint was docketed on January 14, 2020. (ECF No. 4.) The case was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D.

The Magistrate Judge's Report and Recommendation (ECF No. 41), filed on October 15, 2020, recommended that the Motion to Dismiss (ECF No. 31) filed by Defendants McClenahan, Hinson, Capozza, Trempus, Henry, and Salvay be granted. Service was made on Plaintiff via first class mail to his address of record. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that they had fourteen (14) days to file any objections, and that unregistered ECF users were

given an additional three (3) days pursuant to Federal Rule of Civil Procedure 6(d). Plaintiff filed Objections on January 13, 2021. The objections fail to cure the deficiencies highlighted in the Report and Recommendation for essentially the same reasons the Report and Recommendation noted that amendment could not cure the existing deficiencies. Accordingly, after review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 15th day of March 2021,

IT IS ORDERED that the Motion to Dismiss (ECF No. 31) filed by Defendants McClenahan, Hinson, Capozza, Trempus, Henry, and Salvay is **GRANTED**.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 41) of Magistrate Judge Lenihan, dated October 15, 2020, is adopted as the opinion of the Court.

IT IS FURTHER ORDERED that the clerk shall mark this case **CLOSED**.

s/ David Stewart Cercone
David Stewart Cercone
Senior United States District Judge

cc: William Harris
CX-7039
SCI Fayette
48 Overlook Drive
LaBelle, PA 15450-1050

(Via US First Class Mail)

Phillip E. Raymond, Esquire
Annamarie Truckley, Esquire

(Via CM/ECF electronic mail)